

## **Remarks**

Applicant respectfully requests reconsideration of the rejections and that the case pass to issue in light of the amendments above and the remarks below.

### **Office Action Summary**

1. Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S.P.N. 6,484,080 Breed.
2. Claims 5 and 9-15 stand object to as being dependent upon a rejected base claim.
3. Claims 19 and 20 are allowed.

### **Rejection of Claims 1-4 Under 35 U.S.C. § 102(b)**

Claims 1-4 stand rejected under 35 U.S.C. § 102(b) as being anticipated by the Breed patent. This rejection is moot in light of claim 1 being amended to include the allowable limitations of dependent claim 9.

### **New Claims 21-24**

New independent claim 21 relates to a method of limiting degradation of an electrically-driven vehicle system. The method includes applying a test signal to the vehicle system and sensing response of the vehicle system to the test signal. If the response indicates degradation in the operating capability of the vehicle system since the previous application of the test signal, operating demands on the vehicle system are reduced.

Independent claim 21 is believed to be patentable and nonobvious over the Breed patent since the Breed patent fails to disclose applying a test signal to a vehicle system and then

adjusting operating demands on the tested vehicle system depending on a response to the test signal.

The Breed patent discloses a vehicle having a sensor systems. The sensor system includes a number of sensors mounted in different locations within the vehicle. Each sensor provides a measurement relating to a state of the sensor system at the mounting location. A processor coupled to the sensor system diagnosis the state of the vehicle based on the measurements of the sensor system. In more detail, the Breed patent relies a pattern recognition technique to assess the sensed conditions.<sup>1</sup> The data collected by the sensor system is transmitted over vehicle data bus 160 for processing by a diagnostic module 170. The diagnostic module 170 pattern recognition technique to determine whether the sensor component is functioned normally or abnormally.<sup>2</sup>

Importantly, the Breed patent fails to disclose or suggest the application of test signal to any vehicle system being measured. The Breed patent only suggests the used of reactive sensors that merely report collected data to a diagnostic module. The invention recited in claim 21 is proactive, and not reactive, because it applies a test signal and the senses a response to the test signal. Dependent claim 24 is further distinguished from the Breed patent since it claims applying the test signal to a power input when the vehicle system includes both of a power input and control input. The Breed patent only suggests controlling signal over a vehicle data bus. A test signal applied to a power input of the vehicle system would, at least in the context of the claimed invention, be carried over the vehicle data bus.

Because the Breed patent fails to disclose applying a test signal to a vehicle system, the Breed patent fails to teach or suggest each limitation recited in independent claim 21. Consequently, independent claim 21 and the claims that depend therefrom are patentable and nonobvious over the Breed patent.

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<sup>1</sup>See Abstract.

<sup>2</sup>See column 14, lines 10-30.

**Conclusion**

In view of the foregoing, Applicant respectfully submits that each rejection has been fully replied to and traversed and the case is in condition to pass to issue. The Examiner is respectfully requested to pass the case to issue and is invited to contact the undersigned if it would further prosecution of the case to issue.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,

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